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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,718	11/13/2003	Jamal Benbrahim	29757/P-733	9284
4743 7590 03/20/2007 MARSHALL, GERSTEIN & BORUN LLP 233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER CHICAGO, IL 60606			EXAMINER OMOTOSHO, EMMANUEL	
			ART UNIT	PAPER NUMBER
			3714	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/712,718

Applicant(s) 

BENBRAHIM ET AL.

Examiner

Emmanuel Omotosho

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/2/04, 4/25/05, 6/16/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-36 rejected under 35 U.S.C. 103(a) as being unpatentable over Morrow et al. ("Morrow") US Publication No. 2004/0054952 A1 and further in view of Sarbin et al. ("Sarbin") US Patent No. 5,179,517.

2. Morrow discloses:

- a. A gaming machine system comprising a display unit that is capable of generating video images (Fig 4), a value input device (Fig 4 Par. 0057), a storage device adapted to read from and write to a removable storage memory (Claim 100, 106 Page 2 Par. 0013).
- b. Morrow's Par. 0013 teaches that the removable storage memory (persistent memory) could either be a type DVD, CD, floppy, a removable hard disk, zip disk, flash memory or a hard card device.
- c. A controller operatively coupled to said display unit, said value input device and storage device said controller comprising a processor and a memory operatively coupled to said processor (Page 7 Par 0056-0059).
- d. Said controller being programmed to record information regarding said gaming apparatus on said removable storage memory that is different from the

memory coupled to the processor (Claim 100, 106 Page 2 Par. 0013 Page 7 Par 0056-0061). Said gaming apparatus is operable when said removable storage memory is removed from said gaming apparatus.

e. Said gaming apparatus comprises crash data information selected by a casino operator, said crash data information resulting from a gaming apparatus failure. Since operating system, application system, mechanical and electrical components are part of the gaming system; the Examiner is interpreting the operating system failure, application software failure, a mechanical failure and an electrical failure/malfunction as error events that referred to as system events in Morrow's disclosure (Page 7 Par. 0057, Page 8 Par. 0061).

f. Storing the pre-selected gaming apparatus data into a battery packed memory since battery packed memory are well known in the art to be persistent storage media.

g. Said memory coupled to the processor includes a transferable portion for storing said information regarding said gaming apparatus, and wherein said controller is programmed to transfer said transferable portion from said memory operatively coupled to said processor to said removable storage memory (Claim 99).

h. Said system comprising a plurality of gaming apparatuses being interconnected to form a network of gaming apparatuses (Page 7 Par. 0054)

3. Morrow fails to specifically disclose:

i. Said controller programmed to allow a person to make a wager

- j. Said controller programmed to cause a video image representing a casino type game to be generated. Casino type game such as video poker, video blackjack, video slots, video keno, or video bingo
 - k. Said controller being programmed to determine a value payout associated with an outcome of said game
4. However, in a similar inventive environment, Sarbin discloses a gaming machine comprising a data transfer system that operates by collecting data (such as game machine malfunction data) from game machines and transferring said data to a portable memory medium such as a smart card (Abstract). Sarbin further disclose:
- l. A controller programmed to allow a person to make a wager (Col 3 lines 35-40)
 - m. Said controller programmed to cause a video image representing a casino type game to be generated. Casino type game such as video poker, video blackjack, video slots, video keno, or video bingo (Col 3 lines 35 - 49)
 - n. Said controller being programmed to determine a value payout associated with an outcome of said game (Col 3 lines 35-42)
5. Morrow discloses that the invention is applicable to a casino type environment (Morrow's Fig 4, Page 1 Par 0003). It would have been obvious to someone of ordinary skill in the art to modify Morrow's system with Sarbin's teachings in a casino environment to collect gaming machine diagnostic related information for maintenance and system analyzation reasons.

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Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Omotosho whose telephone number is (571) 272-3106. The examiner can normally be reached on m-f 8-430.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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EO

Ronald Apnean
Primary Examiner
3/17/07